



## NOTICE OF RULE MAKING – Pre-proposal #11-01

The Washington State Liquor Control Board has entered into the initial stage of rule making to revise **WAC 314-11-015 What are my responsibilities as a liquor licensee?** A stakeholder filed a petition with the board requesting a change to WAC 314-11-015 to allow entertainers to consume alcohol while they are performing.

The rule currently prohibits any licensee or employee consuming liquor of any kind while working on the licensed premises. Entertainers are considered to be employees of the licensee because they are performing services for the benefit of the licensee.

This notice can be found at [www.liq.wa.gov/laws/laws-and-rules](http://www.liq.wa.gov/laws/laws-and-rules) under Proposed Rules. The text of the rule is attached.

The Liquor Control Board encourages you to give input on revision to WAC 314-11-015. Following the comment period, the agency will send out and publish the proposed revised rule, establish a comment period on the proposed rule, and hold at least one public hearing before the rule is adopted.

### Public Comment

Please forward your initial comments to the Liquor Control Board by mail, e-mail, or fax by **August 20, 2011**.

**By mail:** Rules Coordinator  
Liquor Control Board  
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Olympia, WA 98504-3080

**By e-mail:**  
[rules@liq.wa.gov](mailto:rules@liq.wa.gov)

**By fax:**  
360-360-664-9689

**WAC 314-11-015 What are my responsibilities as a liquor**

**licensee?** (1)(a) Liquor licensees are responsible for the operation of their licensed premises in compliance with the liquor laws and rules of the board (Title 66 RCW and Title 314 WAC). Any violations committed or permitted by employees will be treated by the board as violations committed or permitted by the licensee.

(b) The penalties for violations of liquor laws or rules are in: WAC 314-29-015 through 314-29-035, as now or hereafter amended, for licensees; and WAC 314-17-105 and 314-17-110, as now or hereafter amended, for employees who hold mandatory alcohol server training permits. These rules also outline aggravating and mitigating circumstances that may affect what penalty is applied if a licensee or employee violates a liquor law or rule.

(2) Licensees and their employees also have the responsibility to conduct the licensed premises in compliance with the following laws, as they now exist or may later be amended:

- ✂ Titles 9 and 9A RCW, the criminal code laws;
- ✂ Title 69 RCW, which outlines the laws regarding controlled substances; and
- ✂ Titles 70.155, 82.24 RCW, and RCW 26.28.080 which outline laws regarding tobacco.

(3) Licensees have the responsibility to control their conduct and the conduct of employees and patrons on the

premises at all times. Except as otherwise provided by law, licensees or employees may not:

- (a) Be disorderly or apparently intoxicated on the licensed premises;

- (b) Permit any disorderly person to remain on the licensed premises;

- (c) Engage in or allow behavior that provokes conduct which presents a threat to public safety;

- (d) Consume liquor of any kind while working on the licensed premises; except that:

- (i) Licensed beer manufacturers and their employees may sample beer of their own manufacture for manufacturing, evaluating or pricing product in areas where the public is not served, so long as the licensee or employee does not become apparently intoxicated;

- (ii) Licensed wine manufacturers and their employees may:

- (A) Sample wine for manufacturing, evaluating, or pricing product, so long as the licensee or employee does not become apparently intoxicated; and the licensee or employee who is sampling for these purposes is not also engaged in serving alcohol to the public; and

- (B) Sample wine of their own manufacture for quality control or consumer education purposes, so long as the licensee or employee does not become apparently intoxicated.

- (e) Engage in, or permit any employee or other person to engage in, conduct on the licensed premises which is prohibited by any portion of Titles 9, 9A, or 69 RCW; or

(f) Sell or serve liquor by means of "drive-in" or by "curb service."

(4) Licensees have the responsibility to control the interaction between the licensee or employee and their patrons. At a minimum, licensees or employees may not:

(a) Solicit any patron to purchase any beverage for the licensee or employee, or allow a person to remain on the premises for such purpose;

(b) Spend time or dance with, or permit any person to spend time or dance with, any patron for direct or indirect compensation by a patron.

(c) See WAC 314-11-050 for further guidelines on prohibited conduct.

[Statutory Authority: RCW 66.08.030 and 66.28.320. 10-01-090, § 314-11-015, filed 12/16/09, effective 1/16/10.

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chapter 66.44 RCW. 01-06-014, § 314-11-015, filed 2/26/01,  
effective 3/29/01.]